

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

B. E.,	)	
S. E.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 2:21-cv-00415-JRS-MG
	)	
VIGO COUNTY SCHOOL CORPORATION,	)	
PRINCIPAL, TERRE HAUTE NORTH	)	
VIGO HIGH SCHOOL,	)	
	)	
Defendants.	)	

**Order on Motion for Oral Argument and to Supplement Record**

Plaintiffs filed a Motion for Preliminary Injunction, (ECF No. 12), which is now fully briefed. Currently before the Court is Defendants' Motion for Oral Argument on Plaintiffs' Motion for Preliminary Injunction and Request for Opportunity to Supplement the Record. (ECF No. 46.)

Defendants request that the Court set a hearing to receive oral argument on Plaintiffs' Motion. Defendants state that oral argument will allow the Court to fully appreciate the Parties' positions on the legal issues relating to Title IX and the Equal Protection Clause. (Defs.' Mot. ¶ 8, ECF No. 46.) The Court believes the Parties' positions are well represented by their briefs and declines to set a hearing to receive oral argument.

Defendants also request an opportunity to supplement the record following the deposition of Dr. James Fortenberry on March 1, 2022. (Defs.' Mot. ¶ 11, ECF No. 46.) In support of their Motion for Preliminary Injunction, Plaintiffs submitted a

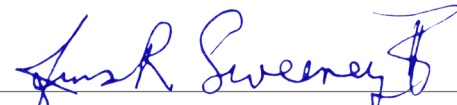
thorough declaration from Dr. Fortenberry. (ECF No. 22-2.) Plaintiffs submitted a shorter, supplemental declaration from Dr. Fortenberry with their reply brief. (ECF No. 43-6.) Plaintiffs object to Defendants' request to supplement the record if the supplementation is used to raise matters directed to Dr. Fortenberry's original declaration, but not to the extent the supplementation is solely in response to Dr. Fortenberry's supplemental declaration. (Pls.' Resp. ¶ 11, ECF No. 47.)

Plaintiffs' objection is well taken. Defendants will be permitted to supplement the record to address matters contained in Dr. Fortenberry's supplemental declaration, but any matters directed to the original declaration should have been addressed in Defendants' response in opposition.

In conclusion, Defendants' Motion, (ECF No. 46), is **granted in part and denied in part**. Defendants' request for oral argument is **denied**. Defendants' request to supplement the record is **granted** to the extent Defendants wish to respond to the contents of Dr. Fortenberry's supplemental declaration; it is **denied** to the extent Defendants seek to raise matters directed to Dr. Fortenberry's original declaration.

**SO ORDERED.**

Date: 2/16/2022

  
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JAMES R. SWEENEY II, JUDGE  
United States District Court  
Southern District of Indiana

Distribution to registered parties of record via CM/ECF.